

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1634

KUDARAVALLI, SRIDHAR ET AL.

EXAMINER: POHNERT, STEVEN C

PATENT NO: 7,732,134

FILED: JUNE 8, 2005

FOR: METHODS TO PREDICT CHOLESTEROL ELEVATIONS DURING  
IMMUNOSUPPRESSANT THERAPY**MS: General**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION

Dear Sirs,

Applicants wish to bring to the attention of the USPTO an error in the Patent Term Adjustment (PTA) indicated in the Issue Notification. The Issue Notification provides a PTA of 788 days. However, Patentee believes the PTA should only be 462 days. The following two Patentee delays are missing:

- On November 19, 2008, Patentees filed a Response to an Office Action. On February 12, 2009 the Office indicated the Response was Non-Compliant. A Compliant response was supplied on March 16, 2009, resulting in a 117 days of Patentee delay.
- On June 8, 2007, the application became unintentionally abandoned. The application was successfully held revived on April 23, 2008, resulting in a patentee delay of 320 days.

As a result, total Patentee delay is:  $320 + 117 + 95 + 70 + 8 = 610$  days.

Type A PTA delay on the part of the office is:  $272 + 8 = 280$  days. Total Type B PTA delay is 800 days (from March 30, 2008 to June 8, 2010). There is 8 days of overlap with in the Type B period (i.e., the office action mailed May 16, 2008 was 8 days late.) Thus, final PTA is  $280 - 610 + 800 - 8 = 462$  days.

Applicants do not believe that a Patent Term Adjustment Request under 37 CFR 1.705 is required for this error. However, should the office disagree or wish to discuss this matter, please contact the undersigned.

Respectfully submitted,



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Date: 7/6/10